

Act on Guardianship Registration, etc.

(Act No. 152 of December 8, 1999)

(Purport)

Article 1 Registration of guardianship (limited to guardianship which commences pursuant to a ruling for the commencement of guardianship; the same applies hereinafter), curatorship, and assistance provided in the Civil Code (Act No. 89 of 1896), and registration of voluntary guardianship contracts provided in the Act on Voluntary Guardianship Contract (Act No. 150 of 1999) (hereinafter collectively referred to as "guardianship registration, etc."), are governed by the provisions of this Act in addition to the provisions of other laws and regulations.

(Registry Office)

Article 2 (1) Affairs concerning guardianship registration, etc. are taken charge of by the legal affairs bureau or district legal affairs bureau, the branch bureau thereof, or the branch office of any of those bureaus, which is designated by the Minister of Justice (referred to as a "designated legal affairs bureau, etc." in the following Article) as a registry office.

(2) The designation referred to in the preceding paragraph must be made by means of public notice.

(Registrar)

Article 3 Affairs to be administered at a registry office are handled by a legal affairs officer who works at a designated legal affairs bureau, etc. and who is designated by the director of the relevant legal affairs bureau or the district legal affairs bureau, as a registrar.

(Registration of Guardianship)

Article 4 (1) Registration of guardianship, curatorship or assistance (hereinafter collectively referred to as "guardianship, etc.") is made, upon commission or application, by recording the following particulars in a file of guardianship registration, etc. in the form of magnetic disk (including any item that can record certain particulars securely by equivalent means; the same applies in Article 9):

- (i) the type of guardianship, etc., the court that made a ruling for commencement, the indication of the case of such ruling, and the full date on which the ruling became final and binding;
- (ii) the name, date of birth, address, and registered domicile (in the case of a

- foreign national, nationality) of the adult ward, the person under curatorship or the person under assistance (hereinafter collectively referred to as the "adult ward, etc.");
- (iii) the name and address of the guardian of an adult, the curator or the assistant (hereinafter collectively referred to as the "guardian of an adult, etc.");
 - (iv) if a supervisor of a guardian of an adult, a supervisor of a curator or a supervisor of an assistant (hereinafter collectively referred to as a "supervisor of a guardian of an adult, etc.") is appointed, the name and address thereof;
 - (v) if any acts are specified as acts which require the consent of the curator or assistant, such acts;
 - (vi) if the curator or assistant is granted with the authority of representation, the scope of such authority;
 - (vii) if it is provided that several guardians of an adult, etc. or several supervisors of a guardian of an adult, etc. should exercise authority jointly or by assuming the affairs assigned to them separately, a statement of such provision;
 - (viii) when guardianship, etc. has terminated, the grounds for and date of the termination;
 - (ix) if a provisional order prior to a ruling is issued to suspend the performance of duties by the guardian of an adult, etc. or by the supervisor of a guardian of an adult, etc. pursuant to Article 127, paragraph (1) of the Domestic Relations Case Procedure Act (Act No. 52 of 2011) (including as applied mutatis mutandis pursuant to paragraph (5) of said Article, and Articles 135 and 144 of said Act), a statement of such fact;
 - (x) if a provisional order prior to a ruling is issued to appoint an acting representative person of the guardian of an adult, etc. or of the supervisor of a guardian of an adult, etc. pursuant to the provisions provided in the preceding item, the name and address of such person; and
 - (xi) the registration number.
- (2) Registration of a provisional order prior to a ruling under Article 126, paragraph (2), Article 134, paragraph (2) or Article 143, paragraph (2) of the Domestic Relations Case Procedure Act (hereinafter collectively referred to as a "guardianship order, etc.") is made, upon commission or application, by recording the following particulars in a file of guardianship registration, etc.:
- (i) the type of guardianship order, etc., the court that made a provisional order prior to a ruling, the indication of the case of such provisional order prior to a ruling, and the date on which the provisional order became effective;
 - (ii) the name, date of birth, address, and registered domicile (in the case of a foreign national, nationality) of the person who was ordered to be subject to

the guardianship, curatorship or assistance of an administrator of property (hereinafter collectively referred to as the "principal of a guardianship order, etc.");

- (iii) the name and address of the administrator of property;
- (iv) any acts specified by a provisional order prior to a ruling under Article 143, paragraph (2) of the Domestic Relations Case Procedure Act, as acts which require the consent of the administrator of property;
- (v) when the guardianship order, etc. has ceased to be effective, the grounds for and date of loss of the effect; and
- (vi) the registration number.

(Registration of Voluntary Guardianship Contract)

Article 5 Registration of a voluntary guardianship contract is made, upon commission or application, by recording the following particulars in a file of guardianship registration, etc.:

- (i) the name and office of the notary who created a notarial instrument regarding the voluntary guardianship contract, as well as the number and date of creation of the instrument;
- (ii) the name, date of birth, address, and registered domicile (in the case of a foreign national, nationality) of the mandator under the voluntary guardianship contract (hereinafter referred to as the "principal of a voluntary guardianship contract");
- (iii) the name and address of the mandatary of voluntary guardianship or voluntarily appointed guardian;
- (iv) the scope of the authority of representation of the mandatary of voluntary guardianship or voluntarily appointed guardian;
- (v) if it is provided that two or more voluntarily appointed guardians should exercise right to represent jointly, a statement of such provision;
- (vi) if a supervisor of a voluntarily appointed guardian is appointed, the name and address of such supervisor, as well as the date on which the ruling of appointment thereof became final and binding;
- (vii) if it is provided that two or more supervisors of a voluntarily appointed guardian should exercise authority jointly or by assuming the affairs assigned to them separately, a statement of such provision;
- (viii) when the voluntary guardianship contract has terminated, the grounds for and date of the termination;
- (ix) if a provisional order prior to a ruling is issued to suspend the performance of duties by the voluntarily appointed guardian or by the supervisor of the voluntarily appointed guardian pursuant to Article 127, paragraph (1) of the Domestic Relations Case Procedure Act as applied *mutatis mutandis* pursuant to Article 225 of said Act, a statement of such fact;

- (x) if a provisional order prior to a ruling is issued to appoint an acting representative person of the supervisor of the voluntarily appointed guardian pursuant to the provisions provided in the preceding item, the name and address of such person; and
- (xi) the registration number.

(Compilation of Records in Files of Guardianship Registration)

Article 6 With regard to the compilation of records in files of guardianship registration, etc., records of registration of guardianship, etc. are compiled for each ruling for commencement of guardianship, etc., those of registration of guardianship orders, etc. are compiled for each guardianship order, etc., and those of registration of voluntary guardianship contracts are compiled for each voluntary guardianship contract.

(Registration of Change)

Article 7 (1) When a person set forth in each of the following items who is recorded in each record in a file of guardianship registration, etc. (hereinafter referred to as a "registration record") comes to know that there has been a change to any of the particulars specified respectively in those items, such person must file an application for registration of change, except where the registration is to be made upon commission:

- (i) any of the persons provided in Article 4, paragraph (1), items (ii) through (iv): the particulars set forth in the respective items of said paragraph;
 - (ii) the acting representative person provided in Article 4, paragraph (1), item (x): the particulars set forth in said item;
 - (iii) the person provided in Article 4, paragraph (2), item (ii) or item (iii): the particulars set forth in the respective items of said paragraph;
 - (iv) the person provided in Article 5, item (ii), item (iii) or item (vi): the particulars set forth in the respective items of said Article; and
 - (v) the acting representative person provided in Article 5, item (x): the particulars set forth in said item.
- (2) When there has been a change to any of the particulars specified in the items of the preceding paragraph, a relative of an adult ward, etc., a relative of the principal of a guardianship order, etc., a relative of the principal of a voluntary guardianship contract, or any other interested person may file an application for registration of change, except where the registration is to be made upon commission.

(Registration of Termination)

Article 8 (1) When any of the persons set forth in paragraph (1), item (i) of the preceding Article who is recorded in a registration record pertaining to

guardianship, etc. comes to know that the adult ward, etc. has died, such person must file an application for registration of termination.

- (2) When any of the persons set forth in paragraph (1), item (iv) of the preceding Article who is recorded in a registration record pertaining to a voluntary guardianship contract comes to know that the voluntary guardianship contract has terminated due to the death of the principal of the voluntary guardianship contract or on any other grounds, such person must file an application for registration of termination, except where the registration is to be made upon commission.
- (3) When guardianship, etc. or a voluntary guardianship contract has terminated, a relative of the adult ward, etc., a relative of the principal of the voluntary guardianship contract, or any other interested person may file an application for registration of termination, except where the registration is to be made upon commission.

(Closure of Registration Record)

Article 9 When a registrar has made registration of termination, the registrar must close the registration record and include it in a closed registration file in the form of magnetic disk, as a closed registration record.

(Issuance of Certificate of Registered Information)

Article 10 (1) Any person may file a request with a registrar for the issuance of a document certifying the particulars recorded in a file of guardianship registration, etc. (if there is no such record, a statement of such fact; hereinafter referred to as a "certificate of registered information") with regard to the following registration records:

- (i) a registration record representing that the requesting person is an adult ward, etc. or the principal of a voluntary guardianship contract;
- (ii) a registration record representing that the requesting person is a guardian of an adult, etc., a supervisor of a guardian of an adult, etc., a mandatary of voluntary guardianship, a voluntarily appointed guardian or a supervisor of a voluntarily appointed guardian (including those who have resigned from these offices);
- (iii) a registration record representing that the spouse or a relative within the fourth degree of kinship of the requesting person is an adult ward, etc. or the principal of a voluntary guardianship contract;
- (iv) a registration record representing that the requesting person is an acting representative person of a guardian of an adult, etc., supervisor of a guardian of an adult, etc. or supervisor of a voluntarily appointed guardian (including those who have resigned from these offices);
- (v) a registration record representing that the requesting person is the

- principal of a guardianship order, etc.;
- (vi) a registration record representing that the requesting person is the administrator of property (including those who have resigned from this office); and
 - (vii) a registration record representing that the spouse or a relative within the fourth degree of kinship of the requesting person is the principal of a guardianship order, etc.
- (2) Each of the persons set forth in the following items may file a request with a registrar for the issuance of a certificate of registered information with regard to the registration records specified respectively in these items:
- (i) a guardian of a minor or a supervisor of a guardian of a minor: a registration record representing that the guardian of the minor is an adult ward, etc., the principal of a guardianship order, etc. or the principal of a voluntary guardianship contract;
 - (ii) a guardian of an adult, etc. or supervisor of a guardian of an adult, etc.: a registration record representing that the adult ward, etc. is the principal of a voluntary guardianship contract; and
 - (iii) the mandatory of voluntary guardianship under a registered voluntary guardianship contract: a registration record representing that the principal of the voluntary guardianship contract is an adult ward, etc. or the principal of a guardianship order, etc.
- (3) Any person may file a request with a registrar for the issuance of a document certifying the particulars recorded in a closed registration file (if there is no such record, a statement of such fact; hereinafter referred to as a "certificate of registered information in a closed record") with regard to the following closed registration records:
- (i) a closed registration record representing that the requesting person was an adult ward, etc. or the principal of a voluntary guardianship contract;
 - (ii) a closed registration record representing that the requesting person was a guardian of an adult, etc., a supervisor of a guardian of an adult, etc., a mandatory of voluntary guardianship, a voluntarily appointed guardian or a supervisor of a voluntarily appointed guardian;
 - (iii) a closed registration record representing that the requesting person was an acting representative person of a guardian of an adult, etc., supervisor of a guardian of an Adult, etc. or supervisor of a voluntarily appointed guardian;
 - (iv) a closed registration record representing that the requesting person was the principal of a guardianship order, etc.; and
 - (v) a closed registration record representing that the requesting person was the administrator of property.
- (4) An heir or any other successor may file a request with a registrar for the issuance of a certificate of registered information in a closed record with regard

to a closed registration record representing that the decedent or any other predecessor was an adult ward, etc., the principal of a guardianship order, etc. or the principal of a voluntary guardianship contract.

- (5) Officials of the national or local governments may file a request with a registrar for the issuance of a certificate of registered particulars or a certificate of registered information in a closed record if they need such certificates in the course of duties.

(Fees)

Article 11 (1) The following persons must pay fees in an amount as specified by Cabinet Order in consideration of commodity price levels, actual costs required for registration and for the issuance of a certificate of registered information, etc., and any other circumstances concerned:

- (i) a person who commissions registration;
- (ii) a person who applies for registration; and
- (iii) a person who requests the issuance of a certificate of registered particulars or a certificate of registered information in a closed record.

- (2) The payment of fees referred to in the preceding paragraph must be made by means of revenue stamps; provided, however, that such payment may be made in cash as provided by Order of the Ministry of Justice when a person commissions or applies for registration or requests the issuance of a certificate as referred to in the items of the preceding paragraph by using an electronic data processing system provided in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002) pursuant to Article 3, paragraph (1) of said Act.

(Exclusion from Application of the Administrative Procedure Act)

Article 12 The provisions of Chapters II and III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to a disposition made by a registrar.

(Exclusion from Application of the Act on Access to Information Held by Administrative Organs)

Article 13 The provisions of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999) do not apply to a file of guardianship registration, etc. or a closed registration file.

(Exclusion from Application of the Act on the Protection of Personal Information Held by Administrative Organs)

Article 14 The provisions of Chapter IV of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003) do not apply to the retained personal information (meaning the retained personal

information provided in Article 2, paragraph (3) of said Act) which is recorded in a file of guardianship registration, etc. or a closed registration file.

(Request for Administrative Review)

- Article 15 (1) A person who considers a disposition made by a registrar to be unjust may request for administrative review to the director of the supervisory legal affairs bureau or district legal affairs bureau.
- (2) A request for administrative review must be made by submitting a written request for review to a registrar.
- (3) When a registrar finds a request for administrative review to be well-grounded, the registrar must make a reasonable disposition.
- (4) When a registrar finds a request for administrative review to be groundless, the registrar must refer the case, with opinions, to the director of the supervisory legal affairs bureau or district legal affairs bureau within three days from the date of the request.
- (5) When the director of the legal affairs bureau or district legal affairs bureau finds a request for administrative review to be well-grounded, the director must order the registrar to make a reasonable disposition, and must give notice of this to the person who made the request for the review and to any other interested person.

(Exclusion from Application of the Administrative Complaint Review Act)

Article 16 The provisions of Article 14, Article 17, Article 24, the proviso to Article 25, paragraph (1), Article 34, paragraphs (2) through (7), Article 37, paragraph (6), Article 40, paragraphs (3) through (6) and Article 43 of the Administrative Complaint Review Act (Act No. 160 of 1962) do not apply to a request for administrative review referred to in paragraph (1) of the preceding Article.

(Delegation to Cabinet Order)

Article 17 In addition to what is provided for in this Act, the necessary particulars concerning guardianship registration, etc. are provided by Cabinet Order.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that Article 8 of the Supplementary Provisions comes into effect as of the date of promulgation of this Act or the date of promulgation of the Act to Rearrange Related Laws upon Enforcement of the Act on Access to Information Held by

Administrative Organs (Act No. 43 of 1999), whichever comes later.

(Transitional Measures Concerning Legally Incapacitated Persons and Persons with Limited legal Capacity)

- Article 2 (1) A person who is deemed to be an adult ward, a guardian of an adult or a supervisor of a guardian of an adult pursuant to Article 3, paragraph (1) of the Supplementary Provisions of the Act Partially Amending the Civil Code (Act No. 149 of 1999; hereinafter referred to as the "Civil Code Amendment Act"), or the spouse or a relative within the fourth degree of kinship of the relevant person who is deemed to be an adult ward, may file an application for registration of guardianship, as provided by Cabinet Order.
- (2) A person who is deemed to be a person under curatorship or curator thereof pursuant to Article 3, paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act, or the spouse or a relative within the fourth degree of kinship of the relevant person who is deemed to be a person under curatorship, may file an application for registration of curatorship, as provided by Cabinet Order.
- (3) Where registration of change or registration of termination is commissioned with regard to a person who is deemed to be an adult ward or person under curatorship pursuant to Article 3, paragraph (1) or paragraph (2) of the Supplementary Provisions of the Civil Code Amendment Act, based on a ruling which has become final and binding after the Civil Code Amendment Act came into effect, and if there is no registration record in which the registered information should be included, a registrar makes the registration referred to in the preceding two paragraphs with regard to the relevant person without any party's request.
- (4) When a registrar has made registration pursuant to the preceding three paragraphs, the registrar must give notice of this without delay to the person who administers affairs related to family registers.
- (5) When a person who administers affairs related to family registers has received the notice referred to in the preceding paragraph, the person must replicate the family register of the person who is deemed to be an adult ward or person under curatorship to whom said notice pertains, as prescribed by the Order of Ministry of Justice.